

**REGULAR TOWNSHIP MEETING
MUNICIPAL BUILDING**

**JULY 25, 2006
DELRAN, NJ**

The meeting was called to order with a salute to the Flag by Council President Hermansky at 8:00 PM.

The roll was called: Mr. Macey, Mr. Ogozalek, Sr., Mr. Paris, and Mr. Hermansky were present. Mr. Chinnici was absent.
Also present: Mayor Stellwag, Mr. Hatcher, Business Administrator, Mr. Guest, Solicitor and Mrs. McPhee, Municipal Clerk.

SUNSHINE STATEMENT: Be advised that the Township Council has given proper notice in accordance with the sunshine law in the following manner. Notice mailed to the Burlington County Times and Courier Post on December 20, 2005 and posted on the bulletin board of the same date.

At this time, Councilman Paris was administered the oath of office by Assemblyman Herb Conaway along with Assemblyman Jack Conners.

Mr. Ogozalek, Sr. made a motion, seconded by Mr. Macey to approve the minutes for June 7, June 21, June 27, 2006.

There being no questions, the roll was called.
Mr. Macey, Mr. Ogozalek, Sr. and Mr. Hermansky voted aye. Mr. Paris abstained

Ayes: 3
Nays: None
1 abstention

Motion Approved

ORDINANCE ON FIRST READING

ORDINANCE #2006-12

BOND ORDINANCE AUTHORIZING THE ACQUISITION OF VARIOUS PIECES OF EQUIPMENT AND APPARATUS FOR THE TOWNSHIP OF DELRAN; APPROPRIATING THE SUM OF \$245,550 THEREFOR; AUTHORIZING

THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF DELRAN, COUNTY OF BURLINGTON, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$233,272; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

Mr. Ogozalek, Sr. made a motion, seconded by Mr. Macey to adopt the ordinance on first reading.

There being no questions, the roll was called.

Mr. Macey, Mr. Ogozalek, Sr. Mr. Paris and Mr. Hermansky voted aye.

Ayes: 4

Nays: None

Motion Approved

RESOLUTIONS – CONSENT AGENDA

Resolution granting disabled veteran's status. #2006-70

Resolution refunding planning and zoning board escrows. #2006-71

Resolution releasing the performance bond for Graceway Enterprises #2006-73

Resolution authorizing participation in the Pompeston Creek Regional Stormwater Management Plan. #2006-74

Resolution accepting performance guarantees of Swedes Run Business Owners Association and Berk and Berk #2006-75

Mrs. McPhee stated that we are removing resolution #2006-72 concerning an agreement with Hunters Glen relative to reimbursement of trash collection. There have been recent developments which may result in a change in the agreement.

Mr. Macey made a motion, seconded by Mr. Ogozalek, Sr. to adopt the resolutions as stated.

There being no questions, the roll was called.
Mr. Macey, Mr. Ogozalek, Sr. Mr. Paris and Mr. Hermansky voted aye.

Ayes: 4
Nays: None

Motion Approved

MOTIONS

Mr. Macey made a motion, seconded by Mr. Ogozalek, Sr. authorizing the payment of bills including all purchases made under the Cooperative Purchasing Agreement. Mrs. McPhee stated that the bill list is amended thereby deleting payment to Hunters Glen.

There being no questions, the roll was called.
Mr. Macey, Mr. Ogozalek, Sr. Mr. Paris and Mr. Hermansky voted aye.

Ayes: 4
Nays: None

Motion Approved

Mr. Ogozalek, Sr. made a motion accepting the report of the Tax Collector/CFO and Township Clerk. The motion was seconded by Mr. Paris.

There being no questions, the roll was called.
Mr. Macey, Mr. Ogozalek, Sr. Mr. Paris and Mr. Hermansky voted aye.

Ayes: 4
Nays: None

Motion Approved

Mr. Ogozalek, Sr. made a motion granting a mercantile license to:

Petsmart 4004 Route 130 North
Subnoor Dollar Plus 4000 Route 130 N. Unit 2
Turbon-Tecknolaser Division 2800 Cindel Drive

AM Transportation, Inc. 1816 Underwood Blvd.

The motion was seconded by Mr. Macey.

There being no questions, the roll was called.
Mr. Macey, Mr. Ogozalek, Sr. Mr. Paris and Mr. Hermansky voted aye.

Ayes: 4
Nays: None

Motion Approved

REPORTS

MAYOR

Mayor Stellwag congratulated Mr. Paris and wished him good luck.

ADMINISTRATOR

Mr. Hatcher stated that the Salt Dome was hit by lightening last Friday and a claim is submitted. We will be getting estimates for repairs to see if the claim exceeds our deductible which is \$1,000.00.

MEMBERS OF COUNCIL

Mr. Paris thanked everyone who supported him in his campaign and to those who supported him on Election Day. The tremendous support emphasized the need for change and wants to ensure that every dollar is being spent wisely. Any concern that a resident has will be looked into and will bring checks and balances to the problem solving process here on Council. Just after a few meetings, he feels that there needs to be a voice that speaks directly to the residents. I will fight to create true non partisan representation on boards and authorities. We all know that there is no quick fix to the property tax problem but he will always remember that he was elected because the vast majority of residents feel trapped by the property tax burden and will work just as hard on this problem as he did during his campaign. Where people, especially our seniors who are unfairly burdened, he will be their advocate, where changes are needed, he will fight for the change but he needs the people to send him information and questions through the Delran's web site or Delran.net or they can call him. He urged the

people to attend meetings, the council meetings, the planning board, zoning board and sewerage authority meetings. Take an hour a month and get to know your town. Most importantly, stay involved join the athletic association, homeowners association, Delran Environmental Advisory Agency, or any other organization that brings you into contact with your neighbors. The more you become involved, the more your input will benefit you and all of the residents of Delran. Help me to help Delran to become an even better place to live and work. I look forward in working with my fellow councilman to bring about the change that people are demanding.

SOLICITOR

Mr. Guest had no report.

Mr. Ogozalek, Sr. had no report.

Mr. Macey had no report and congratulated Mr. Paris and welcomed him aboard.

Public Portion of the meeting

Joseph LaMonica 16 Navy Drive congratulated Mr. Macey Mr. Ogozalek, Sr. on their re-election and Ken Paris on his election.

Mr. LaMonica mentioned the parking at Tenby Chase Apartments and the parking issue there. He stated that vehicles are parking in such a fashion that it could be a fire hazard yet there are available parking spaces for these vehicles.

Mr. LaMonica stated that NJ passed a law that anyone who is in business and has a van should have registered their business by January 1, 2006. He also stated that he noticed that there are NJ license plates that are not registered. He asked that the license plates be looked into.

Mr. LaMonica mentioned the business registration that took effect in January and they had 90 days to register. He asked if there is anyway we can correct that problem. Mr. Hatcher stated that he will take a look at the situation and will get back to him. Mr. LaMonica stated that Hunters Glen is probably worse when it comes to the number of vans.

Mr. LaMonica mentioned the open space that was voted on and wanted to know about the money. Mr. Macey stated that money is collected and put into a separate fund. He stated that no open space has been acquired at this point. Mr. Macey stated that we met most recently in April and were told beside the fact that they had no funding to increase the amount of money we have raised through the referendum, they told us that they are looking to retract some of the awards from towns that haven't used green acres awards from years back. Recently there was an article in the newspaper about Edgewater Park having a green acres awards taken back. The money is supposed to be used as a base to build their budget up and go back to towns that have made recent applications and make awards to those towns. We were told that within 60 days or so that we would hear from them.

Mr. Macey stated that the money we collect for open space over 20 year will amount to 6.5 million dollars. He explained the issue of bonding. He stated that the Walton Farm and the Klumpp property are on the top of our list which is the golf course. We had an appraisal on the Walton Farm done and it was estimated between 5 and 7 million dollars. The Klumpp property would probably come in more as there is land that is more developable although it is a smaller parcel. He stated that it would be foolish for us at least at this point to purchase these properties as we would be spending beyond what we were given in the referendum. He stated that the reason for meeting with green acres is between the State funding and the County open space money, the Township could be spending as little as .25 for every dollar spent. The 4.5 million could be worth 18 million dollars if we received the awards necessary. With the appropriate funds, we would be able to purchase both of the properties. Right now, the State has only 20 million for the entire State.

Mr. Macey stated that if we were to purchase the property, we would be doing a disservice as the State does not back fund therefore we are forced into waiting.

Mr. LaMonica mentioned the paving of Hartford Road and asked if this came out of the general fund. Mr. Macey stated that Hartford Road is our road and not the County. Mr. Hermansky stated that we have been receiving State funds for Hartford Road.

Mr. LaMonica again mentioned the parking at Tenby Chase Apartments he asked if signs could be placed to prohibit the parking on the grass.

Mr. Guest stated that the roads at the complex are private roads therefore; the Township has no jurisdiction on their roads. He asked if the fire marshal could take a look at the situation of the parking there.

Gary Catrambone 261 Burning Tree Road congratulated Mr. Paris on the election. He stated that he was here as a follow up to sewerage authority meetings he attended. He stated that there appears to be a problem brewing at the authority. Many are personnel issues which he won't speak directly about anything. He stated that he knows that there is at least one lawsuit filed due to hostile work conditions. He stated that he knows that they just reinstated a position since the director of operation is not there. They filled a position that was empty for three years and that position is a \$50,000 a year position. They also have been served with a violation as they had a licensing problem as the people who were running the plant were not properly licensed. The DEP and OSHA have been out there. He stated that the authority is an autonomous body but the Council appoints the members of the authority. He stated that there were releases into the Rancocas which is a safety hazard. He had copies of the notice of violations which is public information. He stated that Council should look at what is going on there and it seems that there are some underlying currents that are creating the problem. He stated that it appears that the authority instead of running business is attempting to run the plant.

Mr. Macey asked if any of the violations are a result from actions taken by authority members. Mr. Catrambone believes that they are. Mr. Macey asked if we have authority members working at the plant. Mr. Catrambone replied no.

Mr. Paris asked, what are the violations? Mr. Catrambone stated one of them is having an inappropriate licensed operator on the premises. The director of operation is not returning to work even though we are paying him. Mr. Macey stated that it's because he is out on disability he believes. He stated that the matter keeps coming up as it is outside of the normal way in which operations happen when a person is no longer able to serve in the capacity of his job. Mr. Macey stated that it keeps coming up as if we are double paying. it happens all of the time in municipal government. Mr. Macey stated that the \$50,000 a year job that was created is a \$50,000 award, the person who is serving in the capacity of director at this point from his understanding got a temporary step up in this capacity of \$5,000 and not \$50,000. This is something that was misrepresented at the last month.

Mr. Catrambone stated that Mr. Conard has attempted on three occasions to come back to work and has presented three different doctors notes which is laid out in his law suit which he had the privilege of reading. Mr. Macey stated that he will look into it. Mr. Paris stated that he will also recommend that we look into it.

Mr. Ogozalek, Sr. advised Mr. Catrambone that he is 95% wrong in all of his remarks. He mentioned the violations and asked Mr. Catrambone to read the violations. Mr. Catrambone stated that it says failure to have appropriate licensed operator for the plant. Mr. Ogozalek asked what happened on that date. Mr. Catrambone stated that he knows what happened on that date Mr. Conard withdrew his license from the State due to the fact that he hadn't been paid for a week and a half. Mr. Ogozalek stated when Mr. Conard found out from his attorney that his job was done right and there he renewed his license on the same day, Mr. Conard renewed his license with the Township and the State. Mr. Catrambone stated that in a conversation with Mr. Conard, he agreed that he would continue to be paid because they had stopped paying him and they could use his license with an appointee or someone he designated to sign the Mr.'s.

Mr. Guest asked that this conversation should end as it could result in something confidential being inadvertently disclosed.

Mr. Ogozalek stated that this is not personnel it is open and public knowledge with respect to the violations. One of the violations deals with the rescinding of a license and the same date reinstating the license and the other deals with improper paperwork. There are only 2 violations to date.

Mr. Hermansky asked if the authority is investigating the complaints. Mr. Ogozalek replied yes. Mr. Hermansky asked that the authority submit a report to Council when the investigation is completed.

Mr. Parento 25 So. Bridgeboro Street asked if Notre Dame Drive could be made one way during baseball and softball season as traffic is bad and several parked vehicles have been hit. Mr. Macey stated if it was changed, it could have an impact on the residents but it is certainly something that could be considered. Mr. Macey stated that we had the same issue with Paddock Way as residents have asked that it be made one way. Mr. Guest stated that he isn't that familiar with the location but suggested having the township engineer take a look at the feasibility of a one way street.

Mr. Parento mentioned the issuances of permits for use of the fields and the fact that he and Mr. Biluck are constantly fixing the soccer nets, and goal posts. He stated that the Township allows anyone who provides the insurance to use the fields but they destroy nets and goal post. He stated that other Townships charge for the use of their fields. Mr. Hermansky stated that the problem he believes comes when a field is not scheduled we can't prohibit the use of the field as it is green acres property. Mr. Hermansky asked if Mr. Parento could inform Council of what is being damaged and things that need to be repaired. Mr. Parento stated that we had the portable toilets overturned. Mr. Hermansky stated that some of overturned potties could be due to the winds of late.

Mr. Paris stated if other townships are charging why can't we. Mr. Hatcher stated all of our properties are green acres and if we charge for their use, we have to charge everyone including the Delran Athletic Association. There was a lengthy discussion that took place relative to the field usage.

Mr. Parento asked if the insurance policies are legal policies. Mr. Hermansky asked that Mrs. McPhee check with Mrs. Hark to see if the policies are legal.

Mr. Parento stated that he has an issue relative to trash collection. He stated that the crew working the area appears to be selective as to what they pick up. He stated that he was told that concrete would be picked up if is in a container not weighing more than 50 pounds. He also has had trash cans missing. Mr. Hatcher stated that normally the only complaint we received are missed collections. The front office calls the company and the matter is resolved. Mr. Hatcher stated that in the past 5 years, we really haven't had complaints about the company. Mr. Hatcher advised Mr. Parento that if he has any further problems to give him a call and he will take care of it.

Alice Furia 1 Notre Dame Court stated that we have had the problem with the parking for 34 years. She stated that the residents haven't complained about parking and want the traffic pattern to remain as is.

Keith Pogoda 36 Harper Boulevard welcomed Mr. Paris to the Council. Mr. Pogoda stated that he has problems with the trash collector breaking his trash cans therefore he uses old ones.

Mr. Pogoda asked where we are with the basin situation at Forest Hills. Mr. Hatcher stated that the engineer has reported that most of the work with respect to the basin has been completed. The engineer has taken a look at the basin as a result of the recent rainstorm and it did very well. Mr. Hatcher stated that the basin wasn't defective, it just wasn't complete. There were some additional landscaping issues that they wanted to address and that was the hold up. Most of the punch list items involve the landscaping and not the way the basin is operating.

Mr. Pogoda stated that runoff from Home Depot is entering the basin in Forest Hills and any future development of the land could have an effect on the basin which will become the association basin. It was stated that any future development of the land would need planning board approval.

Mr. Pogoda mentioned consolidation as he has spoken on this subject at prior meetings he asked if anything is being done with consolidating with Cinnaminson or surrounding towns.

Mr. Macey asked him what he feels should be consolidated. Mr. Pogoda mentioned, schools, municipal services for starters. Mr. Macey stated that Cinnaminson has a similar growth pattern as they are now building 900 homes therefore, he doesn't believe they would be able to take any of our excess children.

Mr. Macey stated that we haven't done a feasibility study on the police department but he can't imagine the town twice the size that we currently have would need for an equal amount of police officers. The type of towns that would be able to consolidate police and services in the area would be the smaller towns and at this point, he doesn't know of any towns we would want to join, police wise etc.

Mr. Hermansky stated that we are always looking at things like that but we are not going to try and create a situation that probably isn't feasible. During the League of Municipalities' Convention, we attend classes and find out different things that are available, things that the State is pushing through, that they think is going to help especially with all of the tax problems related to the State at this point. Mr. Hermansky stated if we were to consolidate paving of roads with Cinnaminson there would be a time element as to when the roads can be paved.

Mr. Pogoda stated that in listening to Governor Corzine, he is pushing for consolidation as there would be a great amount of savings. Mr. Macey stated that in talking about regionalization, it would have to be forced in order to see it happen no one is going to volunteer to regionalize. Mr. Macey gave the example of a child from Delran being bussed to Riverside because they had room available. He stated that he wouldn't slam it or think that it is better or worse than our schools but he would think that if you live in Delran and are paying taxes into Delran school system this is where you would want your children to be educated. When talking about the consolidation of services, schools are the largest area of savings in terms of administration, in term of a town like Willingboro who is closing three of its schools as opposed to a town like Delran who disparately needs new schools. Mr. Macey stated that we are a municipality therefore; have no say in regionalization of schools. He advised Mr. Pogoda that he is at the wrong meeting.

Mr. Macey stated that he doesn't believe that any resident who has a child who is school age would be interested in the consolidation if it meant their child leaving the town.

Mr. Pogoda stated that he came from the area of West Windsor and South Brunswick and they have been quit successful on consolidation and could be a model for the success we could see here. Mr. Macey urged Mr. Pogoda to go to the school board meeting and make the suggestion. Mr. Pogoda stated that he is not only talking about school but also municipal services. He stated that they have consolidated police, fire, inspections department and it is an excellent system they have in West Windsor and South Brunswick.

Mr. Macey stated that our single largest line items are police and public works. When talking about consolidation you are talking about the loss of jobs when you consolidate since there would be an overlapping of duties if you put two townships together. He stated that he doesn't believe that Cinnaminson who mirrors Delran Township in population would need less police than we currently have. The discussion continued on the matter of consolidation.

Mr. Hatcher stated there is a Burlington County Shared Services group and we meet almost monthly except during summer. He stated that we discuss the issues all of the time. He stated that no one will do anything until we see what the governor's incentives are going to be.

He stated that our trash collection service contract expires in September and the group is exploring the possibility of several townships up to 10 to consolidate their trash service but Delran will miss the boat due to the timing therefore, we will be out on our own again.

Mr. Hatcher stated that should the township attempt to consolidate a service such as police, this room will be filled with residents opposing it. He spoke at length on venues that we shared with other townships and are not always visible to the public.

Mr. Hatcher stated what he is concerned about is the fact that this isn't going to solve the local property tax problem and it isn't close. If we are 16% of your total tax bill and our biggest operation which is the police department are 40% of the 16% and we could save 5% or even 10% would be an amazing savings if we consolidated. The saving would be small and then lost with the next increase. Mr. Hatcher ended his comments by saying that we continue to look at the issue of shared services as much as we can.

Mr. Pogoda mentioned automatic ticketing and asked if we could install automatic ticketing cameras at certain intersections that are dangerous. Mr. Hatcher stated most of the traffic signals are out of our jurisdictions their either the State's or the County's. The only lights we control are on Fairview Boulevard.

Chetan Vajapey 18 Stoneham Drive followed up on Mr. Pogoda's question about consolidation. He stated that even the example of saving 10% is a trivial amount. He referred to Mr. Macey's comment about the loss of jobs and stated that yes, people will lose their jobs. He stated that people who are public servants are based on our generosity. When there is fat in the system they are abusing that generosity and we owe it to ourselves to trim it where we can. West Windsor and Plainsboro consolidated their school district. He spoke on the issue of consolidation. Mr. Vajapey also mentioned the budget and the money appropriated for the police. He spoke at length. Mr. Macey stated that looking at the budget doesn't take in account overtime and a lot of other elements that enter into salary. He stated that we never came close to 8% in any bargaining agreement and in the past two year's we may have had 5% in one of those years.

Mr. Hatcher stated that the collective bargaining was 4%, 4% and 4.25% and it was higher than what we would like to have it but that's

where the arbitration numbers were coming in. Mr. Hatcher stated that in looking at the police department one year we had 28 officers and the next year we had 30, that is where the increase is.

Mr. Vajapey continued to talk about the police salaries.

Mr. Vajapey mentioned the issue of charging everyone who uses the green acres lands, he asked if it is possible for us to say support the athletic groups by giving them about the same amount of revenue that we gain from them thereby we win by preventing other township people from coming and using our services. Mr. Hatcher stated that we can't directly give them any revenue statutorily but what we do with respect to the athletic association is the Council a budget appropriation for replacing equipment which is roughly around \$15,000, we also pay their major insurance policy which is about another \$18,000 so in total the athletic association gets around \$34,000 just from those two sources.

Mr. Vajapey stated that he and Mr. Pogoda noting that they had both worked at Lockheed Martin together, and we had come up with a series of ideas to propose to the Mayor. Mr. Vajapey commented that the Mayor does not respond to emails or public contact. Mayor Stellweg stated that he has a job and is not here all of the time but he can call him and leave a message with his secretary or administrator. Mr. Vajapey stated that he spoke with the Mayor where he used to live West Windsor/Plainsboro to ask about how their school system works. He stated that he received a call back that afternoon and the Mayor spent a half hour talking with my wife.

Mr. Vajapey mentioned a subject that was discussed at the work session held on July 19th relative to the deed restricted housing on Bridgeboro Road. He asked how long it will take to make a decision. Mr. Hermansky stated that we have one councilman who hasn't seen the presentation and we want to give him the opportunity to look over the drawing and make comments.

Mr. Vajapey asked how long it takes to assess the cost impact of such a proposal including the impact to the local residents. This discussion continued. He stated that Mr. Paris mentioned having a forum for the residents in the area to discuss the plan. Mr. Paris stated that after the other councilman has the opportunity to see the plan then we will decide about the public forum. Mr. Macey stated that's if we decide to go forward otherwise it is not relevant

Mr. Hermansky stated that from the beginning the developer has always been willing to meet with the residents as there had been a lot of misinformation that went out during the last election regarding what was happening so he asked the developer to meet with the residents directly.

Mr. Vajapey asked about the Comcast Cable contract renewal and wanted to know what the basics are in the contract. Mr. Hermansky asked the clerk when the public hearing will be. Mrs. McPhee stated that the public hearing is scheduled for October 4, 2006. She stated that the application for Comcast is available for public inspection at my office.

Mr. Guest stated that the cable franchise renewals are driven by state statute and state regulation and it is very detailed. Mr. Vajapey was approaching the issue of another cable company in the township. Mr. Guest stated right now, there is no regulation that would allow another company to use Comcast Cable lines such as they did with telephone lines.

Mr. Vajapey stated that in reviewing the accounts he noticed that a pair of gloves costs \$316.00, it is on page 3. He also mentioned a bill for cable reimbursement for Brian McDermott. Mr. Hermansky stated that he would look into the glove matter.

Mr. Macey stated with respect to the reimbursement for Brian McDermott he could check with Donna Ibbetson.

There being no further comments from the public, the meeting was closed.

Mr. Macey made a motion, seconded by Mr. Ogozalek, Sr. to adjourn the meeting. All were in favor, the meeting adjourned.

Submitted

Bernadette P. McPhee
Municipal Clerk